

605 KAR 1:090. Business names.

RELATES TO: KRS 190.040

STATUTORY AUTHORITY: KRS 190.040

NECESSITY, FUNCTION, AND CONFORMITY: KRS 190.040(1)(i) authorizes a license to be denied, suspended, or revoked for false or misleading advertising. This administrative regulation establishes provisions against false or misleading advertising that prohibit the use of the name of a make of motor vehicle in the business name of a used motor vehicle dealer and the use of a dealership name that is so similar to the name of an existing dealership that it would confuse or mislead the public.

Section 1. The trade name of a licensee shall incorporate the words used cars, auto sales, auto mart, or other similar wording clearly identifiable as a motor vehicle licensee.

(1) A licensee, other than a franchised new motor vehicle dealer, shall not use the name of any make of motor vehicle as a part of the dealership business name.

(2) The adoption of the name of a make of motor vehicle in a trade name or advertising in this manner shall constitute false or misleading advertising within the meaning of KRS 190.040 and shall be considered grounds for the denial, suspension, or revocation of a license.

Section 2. The commission shall deny an Application for Motor Vehicle Dealer License, TC 98-1, incorporated by reference in 605 KAR 1:070, if the name or proposed trade name of the licensee is the same or so similar to the trade name of an existing licensee that the proposed name would confuse or otherwise mislead the public into believing that the two (2) entities are the same or related.

(1) If no other grounds are cited for the denial of the Application for Motor Vehicle Dealer License, TC 98-1, incorporated by reference in 605 KAR 1:070, the applicant may reapply.

(2) Reapplication with a new trade name shall be submitted within ten (10) days of denial without remitting an additional application fee. (9 Ky.R. 652; eff. 12-1-1982; Recodified from 601 KAR 21:090, 7-13-1984; 18 Ky.R. 470; eff. 10-1-1991; 40 Ky.R. 669; 1255; eff. 1-3-2014.)